

**Exhibit
A**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Brian Rathke,

Plaintiff,

v.

SUMMONS

Stellar Recovery, Inc.,

Defendant.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT(S)

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person

who signed this summons located at:

Drewes Law, PLLC
1516 West Lake Street, Suite 300
Minneapolis, Minnesota 55408.

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have

information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute

Dated: April 7, 2015


Jonathan L. R. Drewes (#387327)
Bennett Hartz (#393136)
DREWES LAW, PLLC
1516 West Lake Street, Ste 300
Minneapolis, MN 55408
T (612) 285-3064
F (612) 285-3062
bennett@dreweslaw.com
Attorneys for Plaintiff

ACKNOWLEDGEMENT

The Plaintiff, by its undersigned attorney, hereby acknowledges that sanctions may be imposed pursuant to Minnesota Statute § 549.211.

Date: April 7, 2015


Bennett Hartz (#393136)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Brian Rathke,

COMPLAINT

Plaintiff,

JURY TRIAL DEMANDED

v.

Court File No. _____

Stellar Recovery, Inc.,

Case Type: Civil Other

Defendant.

1. Plaintiff Brian Rathke (“Consumer”) brings this action to address the violation of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, by Stellar Recovery, Inc. (“Debt Collector”), and to request a declaration of rights under Minn. Stat. § 555.01.

JURISDICTION, VENUE, AND PARTIES

2. Venue is proper because Debt Collector’s registered Minnesota address is located in Hennepin County.
3. Consumer is a natural person residing in Dakota County and is a “consumer” as defined by 15 U.S.C. § 1692a(3).
4. Debt Collector is a Florida corporation with a registered Minnesota

address of 100 South Fifth Street, Suite 1075, Minneapolis, MN 55402.

Debt Collector's principal business and purpose is collecting debts, making it a "debt collector" as defined by 15 U.S.C. § 1692a(6).

FACTS

5. Debt Collector is attempting to collect a consumer debt from Consumer.
6. As part of its collection, Debt Collector is reporting the debt to national consumer reporting agencies.
7. Debt Collector is inaccurately reporting Consumer's debt to these consumer reporting agencies as "Last active" in March 2015. *See credit report attached as **EXHIBIT A**.*
8. The date of the debt's last activity is determined by Consumer's last payment.
9. Consumer did not pay on this debt in March 2015.
10. The debt was not last active in March 2015, and was actually last active significantly before this date.

COUNT I: ILLEGAL RE-AGING OF A CONSUMER DEBT

11. Consumer incorporates all other allegations as if set forth herein in full.
12. The FDCPA prohibits collectors from misrepresenting a debt's

“character, amount, or legal status:”

“A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . . The false representation of . . . the character, amount, or legal status of any debt” 15 U.S.C. § 1692e(2)(A).

13. Debt Collector wrongly reporting the debt as last active in March 2015 misled the credit reporting agencies and anyone accessing Consumer’s credit report as to the character and legal status of the debt.
14. Making the debt appear more recent than it really is significantly negatively impacts Consumer’s credit score.
15. Doing so also ensures that the debt will remain on Consumer’s report longer than its seven-year limit under the Fair Credit Reporting Act.
16. This violation has impeded Consumer’s ability to qualify for financing.
17. Debt Collector violated § 1692e(2)(A) by misreporting Consumer’s debt with a last activity date of March 2015, thereby falsely representing “the character [and] legal status” of the debt.
18. This also violated the general § 1692e prohibition against “false, deceptive, or misleading representations.”
19. This unwillingness to correct the credit report error has defamed

Consumer's character.

20. This violation has caused Consumer to suffer emotional distress, including frustration, confusion, and helplessness.
21. Consumer has been forced to hire legal counsel to correct Debt Collector's failure to comply with the FDCPA.
22. Consumer is entitled to actual damages in an amount to be determined at trial, statutory damages of \$1,000.00, the costs of this action, and reasonable attorney's fees from Debt Collector in an amount to be determined by the court. 15 U.S.C. § 1692k.

COUNT II: DECLARATION OF RIGHTS

23. Consumer incorporates all other allegations as if set forth herein in full.
24. Minn. Stat. § 555.01 allows a party to seek a declaration of its rights under the law.
25. Consumer is entitled to a determination as to the accurate last date of activity on the account alleged by Debt Collector.

JURY TRIAL

26. Consumer demands a trial by jury. US Const. Amend. 7; Minn. R. Civ. P. 38.01.

PRAYER FOR RELIEF

Consumer requests an Order for the following relief:

1. Judgment in favor of Consumer and against Debt Collector for actual damages in an amount to be determined at trial, \$1,000 in statutory damages, the costs of this action, and a reasonable attorney's fee under 15 U.S.C. § 1692k.
2. Judgment declaring the accurate last date of activity on the account alleged by Debt Collector under Minn. Stat. § 555.01.
3. All other relief which the Court deems just and equitable.


Dated: April 7, 2015


Jonathan L. R. Drewes (#387327)
Bennett Hartz (#393136)
DREWES LAW, PLLC
1516 West Lake Street, Ste 300
Minneapolis, MN 55408
T (612) 285-3064
F (612) 285-3062
bennett@dreweslaw.com
Attorneys for Consumer

ACKNOWLEDGEMENT

The Plaintiff, by its undersigned attorney, hereby acknowledges that sanctions may be imposed pursuant to Minnesota Statute § 549.211.

Date: April 7, 2015



Bennett Hartz (#393136)

EXHIBIT A

Kroll Factual Data**BUREAU** EXPRESS

Residential Merged Credit Report

KROLL FACTUAL DATA, 5200 HAHNS PEAK DRIVE LOVELAND, CO 80538 800-766-5600 FAX 800-456-7669

PACIFIC UNION FINANCIAL 8900 FREEPORT PARKWAY STE 150 IRVING, TX 75063 (877)500-0111 (972)528-4096	Client Tracking 2243	Requested by 60	Report ID G0506BXC2059993
	Client Code 2486	BX Date requested 03/25/2015 19:54:06	Charges 14.00

Identification (as requested)

Applicant's last name Rathke	First name Brian	Middle A	Suffix	DOB	Social Security
---------------------------------	---------------------	-------------	--------	-----	-----------------

Residence Information (as requested)

Present		Lakeville	MN	55044	Telephone 7521
---------	--	-----------	----	-------	-------------------

File Variations

Equifax	BQ1		RATHKE, BRIAN ALLAN		03/25/15 19:54
Experian	BX1		RATHKE, BRIAN A		03/25/15 19:54
Trans Union	BU1		RATHKE, BRIAN A		03/25/15 19:54

Credit Score Information

Repository TransUnion	Brand Classic 04	Type FICO		RATHKE, BRIAN A	BU1
030 - Time since most recent account opening is too short 011 - Amount owed on revolving accounts is too high 028 - Number of established accounts 010 - Proportion of balances to credit limits is too high on bank revolving or other revolving accounts FACTA: Inquiries impacted the credit score.					
Repository Equifax	Brand BEACON 5	Type FICO		RATHKE, BRIAN ALLAN	BQ1
40 - Derogatory public record or collection filed 20 - Length of time since derogatory public record or collection is too short 14 - Length of time accounts have been established 08 - Too many inquiries last 12 months					
Repository Experian	Brand Fair Isaac V2	Type FICO		RATHKE, BRIAN A	BX1
39 - Serious delinquency 13 - Time since delinquency is too recent or unknown 02 - Level of delinquency on accounts 10 - Ratio of balance to limit on bank revolving or other rev accts too high FACTA: TOO MANY INQUIRIES LAST 12 MONTHS					

Public Records

No Public Records found

Credit History

Credit History								Payment	Balance	
<u>STELLAR RECOVERY INC</u> [REDACTED] 1827	Opened 04/13	Reported 03/15	High balance 16	Reviewed —	30 0	60 0	90+ 0	Pastdue	Payment	Balance
	Last active 03/15	*BX1 *BQ1 [Ind]	High limit 16	Install (I9) Unknown			16	Collection 03/15	16	
	Dish Network; Unpaid			Ratings: 03/15 9						

<u>NATIONSTAR</u> [REDACTED] 3749	Opened 08/14	Reported 02/15	High balance 340,000	Reviewed 3 mos	30 0	60 0	90+ 0	Pastdue	Payment	Balance
	Last active 02/15	BX1 BU1 BQ1 [Ind]	High limit —	Install (I1) Mortgage (CNV)			-0-	360X \$2241	337,693	
	Freddie Mac			Ratings: 01/15						